

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 1

Section 1

Textual Amendments

- F1** Sch. 1 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

SCHEDULE 2

Section 2

INDEPENDENT REGULATOR OF NHS FOUNDATION TRUSTS

Membership

^{F2}₁

Textual Amendments

- F2** Sch. 2 paras. 1-5(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Tenure of office

^{F2}₂

Textual Amendments

- F2** Sch. 2 paras. 1-5(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Remuneration and pensions

^{F2}₃

Textual Amendments

- F2** Sch. 2 paras. 1-5(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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Staff

F24

Textual Amendments
F2 Sch. 2 paras. 1-5(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Superannuation

- 5 (1) Sub-paragraph (2) applies where—
(a) a person is an active or deferred member of a scheme under section 1 of the Superannuation Act 1972 (c. 11), and
(b) he is appointed as chairman.

F2(2)

F3(3)

F4(4)

Textual Amendments
F2 Sch. 2 paras. 1-5(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))
F3 Sch. 2 para. 5(3) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012](#) (c. 7), s. 306(4), [Sch. 13 para. 4\(2\)](#); [S.I. 2012/1319](#), art. 2(3)
F4 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Commencement Information
I1 Sch. 2 para. 5 in force at 1.1.2004 by [S.I. 2003/3346](#), [art. 2](#)

Procedure

F56

Textual Amendments
F5 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Delegation of functions

F67

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Textual Amendments

F6 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

General powers

F78

Textual Amendments

F7 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Specific powers

F89

Textual Amendments

F8 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Finance

F910

Textual Amendments

F9 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Reports and other information

F1011

Textual Amendments

F10 Sch. 2 para. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F1112

Textual Amendments

F11 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

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F12 13

Textual Amendments
F12 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Seal and evidence

F13 14

Textual Amendments
F13 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F14 15

Textual Amendments
F14 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

General

F15 16

Textual Amendments
F15 Sch. 2 paras. 5(4)-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Amendments

F16 17

Textual Amendments
F16 Sch. 2 para. 17 omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 13 para. 3\(2\)](#); S.I. 2012/1319, art. 2(3)

F17 18

Textual Amendments
F17 Sch. 2 para. 18 omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 13 para. 5\(2\)](#); S.I. 2012/1319, art. 2(3)

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F18 19

Textual Amendments

F18 Sch. 2 para. 19 omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 13 para. 6\(2\)](#); S.I. 2012/1319, art. 2(3)

F19 SCHEDULE 3

Section 25

Textual Amendments

F19 Sch. 3 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

SCHEDULE 4

Section 34

AMENDMENTS RELATING TO NHS FOUNDATION TRUSTS

The Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

1 The Voluntary Hospitals (Paying Patients) Act 1936 is amended as follows.

Commencement Information

I2 Sch. 4 para. 1 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

2 In section 1 (definitions), in the definition of “voluntary hospital”, after “NHS trust” there is inserted “, an NHS foundation trust”.

Commencement Information

I3 Sch. 4 para. 2 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The National Assistance Act 1948 (c. 29)

3 The National Assistance Act 1948 is amended as follows.

Commencement Information

I4 Sch. 4 para. 3 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

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Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 4 In section 24 (authority liable for provision of accommodation), in subsection (6), for “or an NHS trust” there is substituted “ , an NHS trust or an NHS foundation trust ”.

Commencement Information

I5 Sch. 4 para. 4 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Public Records Act 1958 (c. 51)

- 5 The Public Records Act 1958 is amended as follows.

Commencement Information

I6 Sch. 4 para. 5 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 6 In Schedule 1 (definition of public records), in the Table in Part 1, in the entry relating to the Department of Health, in the second column, for “and National Health Service trusts” there is substituted “ , National Health Service trusts and NHS foundation trusts ”.

Commencement Information

I7 Sch. 4 para. 6 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Human Tissue Act 1961 (c. 54)

- 7 The Human Tissue Act 1961 is amended as follows.

Commencement Information

I8 Sch. 4 para. 7 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 8 In section 1 (removal of parts of bodies for medical purposes), in subsection (4A) (b), for “or NHS trust” there is substituted “ , NHS trust or NHS foundation trust ”.

Commencement Information

I9 Sch. 4 para. 8 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Abortion Act 1967 (c. 87)

- 9 The Abortion Act 1967 is amended as follows.

Commencement Information

I10 Sch. 4 para. 9 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

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- 10 In section 1 (medical termination of pregnancy), in subsection (3), after “National Health Service trust” there is inserted “ or an NHS foundation trust ”.

Commencement Information

I11 Sch. 4 para. 10 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Leasehold Reform Act 1967 (c. 88)

- 11 The Leasehold Reform Act 1967 is amended as follows.

Commencement Information

I12 Sch. 4 para. 11 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 12 In section 28 (retention or assumption of land required for public purposes)—
- (a) in subsection (5), for “and any National Health Service trust” there is substituted “ , any National Health Service trust and any NHS foundation trust ”,
 - (b) in subsection (6)(c), for “or National Health Service trust” there is substituted “ , National Health Service trust or NHS foundation trust ”.

Commencement Information

I13 Sch. 4 para. 12 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Health Services and Public Health Act 1968 (c. 46)

- 13 The Health Services and Public Health Act 1968 is amended as follows.

Commencement Information

I14 Sch. 4 para. 13 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 14 In section 63 (provisions of instruction for officers of hospital authorities etc. employed, or contemplating employment, in certain activities connected with health or welfare), in subsection (5B), the “and” at the end of paragraph (bbb) is omitted and after paragraph (c) there is inserted—
- “(d) NHS foundation trusts”.

Commencement Information

I15 Sch. 4 para. 14 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

- 15 The Employers' Liability (Compulsory Insurance) Act 1969 is amended as follows.

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Commencement Information

I16 Sch. 4 para. 15 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

16 In section 3 (employers exempted from insurance), in subsection (2)(a), after “1978,” there is inserted “ an NHS foundation trust, ”.

Commencement Information

I17 Sch. 4 para. 16 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Local Government Act 1972 (c. 70)

17 The Local Government Act 1972 is amended as follows.

Commencement Information

I18 Sch. 4 para. 17 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

18 In section 113 (placing of staff of local authorities at disposal of other local authorities), in subsection (1A), for “or NHS trust” (in each place) there is substituted “ , NHS trust or NHS foundation trust ”.

Commencement Information

I19 Sch. 4 para. 18 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The House of Commons Disqualification Act 1975 (c. 24)

19 The House of Commons Disqualification Act 1975 is amended as follows.

Commencement Information

I20 Sch. 4 para. 19 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

20 In Part 3 of Schedule 1 (disqualifying offices), there is inserted at the appropriate place— “ Chairman or other non-executive director of an NHS foundation trust. ”

Commencement Information

I21 Sch. 4 para. 20 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Race Relations Act 1976 (c. 74)

F20 21

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Textual Amendments

F20 Sch. 4 para. 21 repealed by 2010 c. 15, Sch. 27 Pt. 1A (as inserted (4.4.2011) [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#))

F2122

Textual Amendments

F21 Sch. 4 para. 22 repealed by 2010 c. 15, Sch. 27 Pt. 1A (as inserted (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#))

The National Health Service Act 1977 (c. 49)

F2223

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2224

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2225

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2226

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2227

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Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2228

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2229

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2230

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2231

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2232

Textual Amendments

F22 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2333

Textual Amendments

F23 Sch. 4 para. 33 repealed (7.6.2005) by [Inquiries Act 2005](#) (c. 12), s. 51(1), [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

F2434

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Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2435

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2436

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2437

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2438

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2439

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2440

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2441

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Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2442

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2443

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2444

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F2445

Textual Amendments

F24 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Acquisition of Land Act 1981 (c. 67)

- 46 (1) An NHS foundation trust may be authorised to purchase land compulsorily for the purposes of its functions by means of an order—
- (a) made by the trust, and
 - (b) confirmed by the Secretary of State.
- (2) The Acquisition of Land Act 1981 is to apply to the compulsory purchase of land under this paragraph.
- (3) But no order is to be made by an NHS foundation trust under Part 2 of that Act with respect to any land unless the proposal to acquire it compulsorily—
- (a) is submitted to the Secretary of State in such form, and together with such information, as he may require, and
 - (b) is approved by him.

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Commencement Information

I22 Sch. 4 para. 46 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

47 The Acquisition of Land Act 1981 is amended as follows.

Commencement Information

I23 Sch. 4 para. 47 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

48 In section 16 (statutory undertakers' land excluded from compulsory purchase), in subsection (3), after paragraph (b) there is inserted—
“(ba) an NHS foundation trust;”.

Commencement Information

I24 Sch. 4 para. 48 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

49 In section 17 (local authority and statutory undertakers' land), in subsection (4), in the definition of “statutory undertakers”, after paragraph (aa) there is inserted—
“(aab) an NHS foundation trust;”.

Commencement Information

I25 Sch. 4 para. 49 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Mental Health Act 1983 (c. 20)

50 The Mental Health Act 1983 is amended as follows.

Commencement Information

I26 Sch. 4 para. 50 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

^{F25}51

Textual Amendments

F25 Sch. 4 para. 51 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 3](#); [S.I. 2008/1900](#), [art. 2\(p\)](#) (with [art. 3](#), [Sch.](#))

52 In section 19 (regulations as to transfer of patients), in subsection (3), after “National Health Service trust” (in both places) there is inserted “, NHS foundation trust”.

Commencement Information

I27 Sch. 4 para. 52 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

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- 53 In section 23 (discharge of patients)—
- ^{F26}(a)
- (b) in subsection (4), after “trust” (in the first place it occurs) there is inserted “ (other than an NHS foundation trust) ”,
- (c) after subsection (5), there is inserted—
- “(6) The powers conferred by this section on any NHS foundation trust may be exercised by any three or more non-executive directors of the board of the trust authorised by the board in that behalf.”

Textual Amendments

F26 Sch. 4 para. 53(a) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 39(4)(d)**, 306(4); [S.I. 2012/1319](#), **art. 2(3)**

Commencement Information

I28 Sch. 4 para. 53 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

^{F27}54

Textual Amendments

F27 Sch. 4 para. 54 omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 39(4)(d)**, 306(4); [S.I. 2012/1319](#), **art. 2(3)**

- 55 In section 32 (regulations for purposes of Part 2), in subsection (3), for “or National Health Service trusts” there is substituted “, National Health Service trusts or NHS foundation trusts”.

Commencement Information

I29 Sch. 4 para. 55 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 56 In section 139 (protection for acts done in pursuance of this Act), in subsection (4), at the end there is inserted “ or NHS foundation trust ”.

Commencement Information

I30 Sch. 4 para. 56 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 57 In section 145 (interpretation), in subsection (1), after paragraph (bb) of the definition of “the managers” there is inserted—
- “(bc) in relation to a hospital vested in an NHS foundation trust, the trust;”.

Commencement Information

I31 Sch. 4 para. 57 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The National Audit Act 1983 (c. 44)

58 The National Audit Act 1983 is amended as follows.

Commencement Information

I32 Sch. 4 para. 58 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

59 In section 6 (public departments etc.), in subsection (3)(b), at the end there is inserted “ and any NHS foundation trust ”.

Commencement Information

I33 Sch. 4 para. 59 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Public Health (Control of Disease) Act 1984 (c. 22)

60 The Public Health (Control of Disease) Act 1984 is amended as follows.

Commencement Information

I34 Sch. 4 para. 60 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

61 In section 13 (regulations for control of certain diseases), in subsection (4)(a), for “or National Health Service trusts” there is substituted “, National Health Service trusts or NHS foundation trusts ”.

Commencement Information

I35 Sch. 4 para. 61 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

62 In section 37 (removal to hospital of person with notifiable disease), in subsection (1)(c), after “NHS trust,” there is inserted “ NHS foundation trust, ”.

Commencement Information

I36 Sch. 4 para. 62 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

63 In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease), in subsection (1)(c), after “NHS trust,” there is inserted “ NHS foundation trust, ”.

Commencement Information

I37 Sch. 4 para. 63 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

64 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I38 Sch. 4 para. 64 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

65 In section 2 (rights of authorised representatives of disabled persons), in subsection (5)(a), after “1990” there is inserted “ or by an NHS foundation trust ”.

Commencement Information

I39 Sch. 4 para. 65 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

66 In section 7 (persons discharged from hospital), in subsection (9), in the definition of “the managers”—

- (a) in paragraph (a)(i), after “National Health Service trust” there is inserted “, an NHS foundation trust ”,
- (b) in paragraph (cc), after “that trust;” there is inserted—
 - “(cd) in relation to a hospital vested in an NHS foundation trust, means the board of directors of that trust;”.

Commencement Information

I40 Sch. 4 para. 66 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Company Directors Disqualification Act 1986 (c. 46)

67 The Company Directors Disqualification Act 1986 is amended as follows.

Commencement Information

I41 Sch. 4 para. 67 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

68 After section 22B there is inserted—

“22C Application of Act to NHS foundation trusts

- (1) This Act applies to NHS foundation trusts as it applies to companies within the meaning of this Act.
- (2) References in this Act to a company, or to a director or officer of a company, include, respectively, references to an NHS foundation trust or to a director or officer of the trust; but references to shadow directors are omitted.
- (3) In the application of Schedule 1 to the directors of an NHS foundation trust, references to the provisions of the Insolvency Act or the Companies Act include references to the corresponding provisions of Part 1 of the Health and Social Care (Community Health and Standards) Act 2003.”

Commencement Information

I42 Sch. 4 para. 68 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The AIDS (Control) Act 1987 (c. 33)

69 The AIDS (Control) Act 1987 is amended as follows.

Commencement Information

I43 Sch. 4 para. 69 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

70 In section 1 (periodical reports on matters relating to AIDS and HIV)—

(a) in subsection (1)(b)(iv), after “NHS trust” there is inserted—
“(iva) each NHS foundation trust;”,

(b) in subsection (2)(b), after “NHS Trust” there is inserted “, NHS foundation trust”.

Commencement Information

I44 Sch. 4 para. 70 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Copyright, Designs and Patents Act 1988 (c. 48)

71 The Copyright, Designs and Patents Act 1988 is amended as follows.

Commencement Information

I45 Sch. 4 para. 71 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

72 In section 48 (material communicated to the Crown in the course of public business), in subsection (6), after “1978” there is inserted “ and an NHS foundation trust”.

Commencement Information

I46 Sch. 4 para. 72 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Road Traffic Act 1988 (c. 52)

73 The Road Traffic Act 1988 is amended as follows.

Commencement Information

I47 Sch. 4 para. 73 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

74 In section 144 (exceptions from requirement of third-party insurance), in subsection (2), after paragraph (db) there is inserted—
“(dc) to an ambulance owned by an NHS foundation trust, at a time when the vehicle is being driven under the owner’s control,”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I48 Sch. 4 para. 74 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Children Act 1989 (c. 41)

75 The Children Act 1989 is amended as follows.

Commencement Information

I49 Sch. 4 para. 75 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

76 In section 24 (persons qualifying for advice and assistance), in subsection (2)(d) (ii), after “trust” there is inserted “ or an NHS foundation trust ”.

Commencement Information

I50 Sch. 4 para. 76 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

77 In section 24C (information), in subsection (2)(c), after “trust” there is inserted “ or an NHS foundation trust ”.

Commencement Information

I51 Sch. 4 para. 77 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

78 In section 27 (co-operation between authorities), in subsection (3)(d), for “or National Health Service trust” there is substituted “ , National Health Service trust or NHS foundation trust ”.

Commencement Information

I52 Sch. 4 para. 78 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

79 In section 47 (local authority’s duty to investigate), in subsection (11)(d), for “or National Health Service trust” there is substituted “ , National Health Service trust or NHS foundation trust ”.

Commencement Information

I53 Sch. 4 para. 79 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

80 In section 80 (inspection of children’s homes etc. by persons authorised by Secretary of State)—

- (a) in subsection (1)(d), for “or National Health Service trust” there is substituted “ , National Health Service trust or NHS foundation trust ”,
- (b) in subsection (5)(e), after “National Health Service trust” there is inserted “ , NHS foundation trust ”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I54 Sch. 4 para. 80 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

81 In section 85 (children accommodated by health authorities and local education authorities), in subsection (1), after “National Health Service trust” there is inserted “, NHS foundation trust”.

Commencement Information

I55 Sch. 4 para. 81 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

82 In Schedule 2 (local authority support for children and families), in paragraph 1A(3), after paragraph (b) there is inserted—
“(ba) every NHS foundation trust which manages a hospital (within the meaning of the Health and Social Care (Community Health and Standards) Act 2003) in the authority’s area;”.

Commencement Information

I56 Sch. 4 para. 82 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The National Health Service and Community Care Act 1990 (c. 19)

^{F28}83

Textual Amendments

F28 Sch. 4 paras. 83-85 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F28}84

Textual Amendments

F28 Sch. 4 paras. 83-85 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F28}85

Textual Amendments

F28 Sch. 4 paras. 83-85 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Town and Country Planning Act 1990 (c. 8)

86 Sections 238 to 240 of the Town and Country Planning Act 1990 (use and development of consecrated land and burial grounds) apply to consecrated land and

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

land comprised in a burial ground which an NHS foundation trust holds for any of its purposes as if—

- (a) the trust were a statutory undertaker, and
- (b) that land had been the subject of a relevant acquisition by the trust.

Commencement Information

I57 Sch. 4 para. 86 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Access to Health Records Act 1990 (c. 23)

87 The Access to Health Records Act 1990 is amended as follows.

Commencement Information

I58 Sch. 4 para. 87 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

88 In section 11 (interpretation), in the definition of “health service body”, the “or” before paragraph (d) is omitted and after that paragraph there is inserted—
“(e) an NHS foundation trust;”.

Commencement Information

I59 Sch. 4 para. 88 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Water Industry Act 1991 (c. 56)

89 The Water Industry Act 1991 is amended as follows.

Commencement Information

I60 Sch. 4 para. 89 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

90 In Schedule 4A (premises that are not to be disconnected for non-payment of charges), in paragraph 16, at the end there is inserted “ or by an NHS foundation trust ”.

Commencement Information

I61 Sch. 4 para. 90 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The London Local Authorities Act 1991 (c. xiii)

91 The London Local Authorities Act 1991 is amended as follows.

Commencement Information

I62 Sch. 4 para. 91 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 92 In section 4 (interpretation of Part 2), in paragraph (d) of the definition of “establishment for special treatment”, after “1990” there is inserted “ or by an NHS foundation trust ”.

Commencement Information

I63 Sch. 4 para. 92 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Health Service Commissioners Act 1993 (c. 46)

- 93 The Health Service Commissioners Act 1993 is amended as follows.

Commencement Information

I64 Sch. 4 para. 93 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 94 In section 2 (the bodies subject to investigation), in subsection (1), after paragraph (da) there is inserted—
“(db) NHS foundation trusts,”.

Commencement Information

I65 Sch. 4 para. 94 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Vehicle Excise and Registration Act 1994 (c. 22)

- 95 The Vehicle Excise and Registration Act 1994 is amended as follows.

Commencement Information

I66 Sch. 4 para. 95 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 96 In Schedule 2 (exempt vehicles), in paragraph 7, after the “or” at the end of paragraph (b) there is inserted—
“(ba) an NHS foundation trust, or”.

Commencement Information

I67 Sch. 4 para. 96 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Value Added Tax Act 1994 (c. 23)

- 97 The Value Added Tax Act 1994 is amended as follows.

Commencement Information

I68 Sch. 4 para. 97 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 98 In Schedule 8 (zero-rating), in the Notes to Group 12, in paragraph (5H), after paragraph (e) there is inserted—
“(eaa) an NHS foundation trust;”.

Commencement Information

I69 Sch. 4 para. 98 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Employment Rights Act 1996 (c. 18)

- 99 The Employment Rights Act 1996 is amended as follows.

Commencement Information

I70 Sch. 4 para. 99 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 100 In section 50 (right to time off for public duties), in subsection (8), after paragraph (a) there is inserted—
“(ab) an NHS foundation trust;”.

Commencement Information

I71 Sch. 4 para. 100 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 101 In section 218 (change of employer), in subsection (10), after paragraph (c) there is inserted—
“(ca) NHS foundation trusts;”.

Commencement Information

I72 Sch. 4 para. 101 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 102 The Housing Grants, Construction and Regeneration Act 1996 is amended as follows.

Commencement Information

I73 Sch. 4 para. 102 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 103 In section 3 (ineligible applicants), in subsection (2)(f), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

Commencement Information

I74 Sch. 4 para. 103 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Education Act 1996 (c. 56)

104 The Education Act 1996 is amended as follows.

Commencement Information

I75 Sch. 4 para. 104 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

105 In section 332 (duty of Health Authority, a Primary Care Trust or National Health Service trust to notify parent etc.), in subsection (1), for “or a National Health Service trust” there is substituted “, a National Health Service trust or an NHS foundation trust”.

Commencement Information

I76 Sch. 4 para. 105 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Data Protection Act 1998 (c. 29)

106 The Data Protection Act 1998 is amended as follows.

Commencement Information

I77 Sch. 4 para. 106 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

107 In section 69 (meaning of “health professional”), in subsection (3), after paragraph (f) there is inserted—
“(fa) an NHS foundation trust”.

Commencement Information

I78 Sch. 4 para. 107 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Health Act 1999 (c. 8)

^{F29}108

Textual Amendments

F29 Sch. 4 para. 108 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F30}109

Textual Amendments

F30 Sch. 4 para. 109 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Care Standards Act 2000 (c. 14)

110 The Care Standards Act 2000 is amended as follows.

Commencement Information

I79 Sch. 4 para. 110 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

111 In section 42 (power to extend the application of Part 2), in subsection (2)(b)(ii), after “NHS trusts” there is inserted “, NHS foundation trusts”.

Commencement Information

I80 Sch. 4 para. 111 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

112 In section 121 (general interpretation), in subsection (1), in the definition of “National Health Service body”, after “National Health Service trust,” there is inserted “ an NHS foundation trust, ”.

Commencement Information

I81 Sch. 4 para. 112 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Freedom of Information Act 2000 (c. 36)

113 The Freedom of Information Act 2000 is amended as follows.

Commencement Information

I82 Sch. 4 para. 113 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

114 In Part 3 of Schedule 1 (National Health Service), after paragraph 40 there is inserted—

“40A An NHS foundation trust.”

Commencement Information

I83 Sch. 4 para. 114 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Health and Social Care Act 2001 (c. 15)

^{F31}115

Textual Amendments

F31 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F31}116

Status: Point in time view as at 01/07/2012.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F31 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F31 117

Textual Amendments

F31 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F31 118

Textual Amendments

F31 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Anti-terrorism, Crime and Security Act 2001 (c. 24)

119 The Anti-terrorism, Crime and Security Act 2001 is amended as follows.

Commencement Information

I84 Sch. 4 para. 119 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

120 In Schedule 4 (extension of existing disclosure powers), at the end of Part 1 there is inserted—
“53A Paragraph 8(1) of Schedule 5 to the Health and Social Care (Community Health and Standards) Act 2003.”

Commencement Information

I85 Sch. 4 para. 120 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The International Development Act 2002 (c. 1)

121 The International Development Act 2002 is amended as follows.

Commencement Information

I86 Sch. 4 para. 121 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

122 In Schedule 1 (statutory bodies to which section 9 applies), there is inserted at the appropriate place— “ An NHS foundation trust ”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I87 Sch. 4 para. 122 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The National Health Service Reform and Health Care Professions Act 2002 (c. 17)

^{F32}123

Textual Amendments

F32 Sch. 4 para. 123 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F33}124

Textual Amendments

F33 Sch. 4 para. 124 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Adoption and Children Act 2002 (c. 38)

125 The Adoption and Children Act 2002 is amended as follows.

Commencement Information

I88 Sch. 4 para. 125 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

126 In section 8 (adoption support agencies), in subsection (2)(d), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

Commencement Information

I89 Sch. 4 para. 126 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Nationality, Immigration and Asylum Act 2002 (c. 41)

127 The Nationality, Immigration and Asylum Act 2002 is amended as follows.

Commencement Information

I90 Sch. 4 para. 127 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

128 In section 133 (medical inspectors), in subsection (4)(a), after sub-paragraph (ii) there is inserted—

“(ia) an NHS foundation trust”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I91 Sch. 4 para. 128 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

129 The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.

Commencement Information

I92 Sch. 4 para. 129 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

130 In section 1 (meaning of “NHS body” and “qualifying hospital patient”), in subsection (1), in paragraph (a) of the definition of “NHS body”, after “trust;” there is inserted—

“(ab) an NHS foundation trust;”.

Commencement Information

I93 Sch. 4 para. 130 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

^{F34}SCHEDULE 5

Section 38

Textual Amendments

F34 Sch. 5 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F35}SCHEDULE 6

Section 41(2)

CHAI: SUPPLEMENTARY

Textual Amendments

F35 Schs. 6-8 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 52](#), [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 paras. 35\(t\), 36](#)

F35 ...

F35 1

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		<i>F35</i>	...
F35	2	.....
		<i>F35</i>	...
F35	3	.....
		<i>F35</i>	...
F35	4	.....
		<i>F35</i>	...
F35	5	.....
		<i>F35</i>	...
F35	6	.....
		<i>F35</i>	...
F35	7	.....
		<i>F35</i>	...
F35	8	.....
		<i>F35</i>	...
F35	9	.....
		<i>F35</i>	...
F35	10	.....
		<i>F35</i>	...
F35	11	.....
F35	12	.....

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F35 SCHEDULE 7

Section 42(2)

CSCI: SUPPLEMENTARY

	F35	...
F35 ₁	.....
	F35	...
F35 ₂	.....
	F35	...
F35 ₃	.....
	F35	...
F35 ₄	.....
	F35	...
F35 ₅	.....
	F35	...
F35 ₆	.....
	F35	...
F35 ₇	.....
	F35	...
F35 ₈	.....
	F35	...
F35 ₉	.....
	F35	...
F35 ₁₀	.....
	F35	...
F35 ₁₁	.....
F35 ₁₂	.....

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F35 SCHEDULE 8

Section 43

CHAI AND CSCI: TRANSFERS OF PROPERTY AND STAFF, ETC

	<i>F35</i> ...
F35 ₁	.....
	<i>F35</i> ...
F35 ₂	.....
	<i>F35</i> ...
F35 ₃	.....
F35 ₄	.....
F35 ₅	.....
	<i>F35</i> ...
F35 ₆	.....

SCHEDULE 9

Section 147

PART 2: MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 52)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate places in Part 2 of the Table at the end of paragraph 3 insert the following entries— “ Commission for Healthcare Audit and Inspection ”; “ Commission for Social Care Inspection ”.

Commencement Information

- I94** Sch. 9 para. 1 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), **art. 3(b)**
- I95** Sch. 9 para. 1 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), **art. 5(b)**

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 2 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (bf) of paragraph 1 insert—
“(bg) the Commission for Healthcare Audit and Inspection;
(bh) the Commission for Social Care Inspection;”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I96 Sch. 9 para. 2 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

Parliamentary Commissioner Act 1967 (c. 13)

- 3 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments subject to investigation), at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection. ”; “ Commission for Social Care Inspection. ”

Commencement Information

I97 Sch. 9 para. 3 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)

I98 Sch. 9 para. 3 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

PROSPECTIVE

Local Authority Social Services Act 1970 (c. 42)

- 4 In the Local Authority Social Services Act 1970, in Schedule 1, insert at the end—

“Health and Social Care (Community
Health and Standards) Act 2003

Section 114

Consideration of complaints.”

Superannuation Act 1972 (c. 11)

- 5 In Schedule 1 to the Superannuation Act 1972 (kinds of employment in relation to which pension schemes may be made), at the appropriate places in the list of “Other Bodies” insert the following entries— “ The Commission for Healthcare Audit and Inspection. ”; “ The Commission for Social Care Inspection. ”.

Commencement Information

I99 Sch. 9 para. 5 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)

I100 Sch. 9 para. 5 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

- 6 The CHAI and the CSCI must each pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as he may determine in respect of any increase attributable to paragraph 5 in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Commencement Information

I101 Sch. 9 para. 6 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I102 Sch. 9 para. 6 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346, art. 5\(b\)](#)

House of Commons Disqualification Act 1975 (c. 24)

- 7 In the House of Commons Disqualification Act 1975, in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection. ”; “ Commission for Social Care Inspection. ”.

Commencement Information

I103 Sch. 9 para. 7 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346, art. 3\(b\)](#)

I104 Sch. 9 para. 7 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346, art. 5\(b\)](#)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 8 In the Northern Ireland Assembly Disqualification Act 1975, in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection. ”; “ Commission for Social Care Inspection. ”.

Commencement Information

I105 Sch. 9 para. 8 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346, art. 3\(b\)](#)

I106 Sch. 9 para. 8 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346, art. 5\(b\)](#)

National Health Service Act 1977 (c. 49)

^{F36}9

Textual Amendments

F36 Sch. 9 para. 9 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with [Sch. 2 Pt. 1, Sch. 3 Pt. 1](#))

Children Act 1989 (c. 41)

^{F37}10

Textual Amendments

F37 Sch. 9 para. 10 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 18 Pt. 5; S.I. 2007/935, art. 5\(ii\)](#)

Health Service Commissioners Act 1993 (c. 46)

- 11 (1) The Health Service Commissioners Act 1993 has effect subject to the following amendments.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In section 4(4)(a), after “can be made” insert “ under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003 or ”.
- (3) In section 11, after subsection (1B) insert—
- “(1C) Where a Commissioner proposes to conduct an investigation pursuant to a complaint under section 3(1E), he shall afford to the person or body whose maladministration is complained of an opportunity to comment on any allegations contained in the complaint.”
- (4) In section 12(1A), for “or (1C)” substitute “ (1C) or (1E) ”.
- (5) In section 14, after subsection (2D) insert—
- “(2E) In any case where the Health Service Commissioner for England conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
 - (b) to any member of the House of Commons who to the Commissioner’s knowledge assisted in the making of the complaint (or if he is no longer a member to such other member as the Commissioner thinks appropriate);
 - (c) to the person or body whose maladministration is complained of;
 - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
 - (e) to the Secretary of State.
- (2F) In any case where the Health Service Commissioner for England decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
 - (b) to any such member of the House of Commons as is mentioned in subsection (2E)(b).”
- (6) In section 14A, at the end insert—
- “(4) In any case where the Health Service Commissioner for Wales conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
 - (b) to any Assembly member who to the Commissioner’s knowledge assisted in the making of the complaint (or if he is no longer an Assembly member to such other member as the Commissioner thinks appropriate);
 - (c) to the person or body whose maladministration is complained of;
 - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
 - (e) to the Assembly First Secretary.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) In any case where the Health Service Commissioner for Wales decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
 - (b) to any such member of the Assembly as is mentioned in subsection (4)(b)."

(7) In section 14B—

- (a) for "14A(1)", in each place, substitute " 14A ", and
- (b) in subsection (2), for "or (1C)" substitute "(1C) or (1E) ".

Commencement Information

I107 Sch. 9 para. 11 in force at 1.6.2004 by [S.I. 2004/759](#), [art. 7](#)

Audit Commission Act 1998 (c. 18)

- 12 (1) The Audit Commission Act 1998 has effect subject to the following amendments.
- (2) In section 4, in subsection (7)—
- (a) in paragraph (a), after "bodies," insert " the Commission for Healthcare Audit and Inspection and ";
 - (b) in paragraph (b), after "bodies," insert " the Commission for Social Care Inspection and ";
 - (c) in paragraph (c), after "case," insert " the National Assembly for Wales and ".
- (3) At the end of that section insert—
- “(8) The Commission must obtain the agreement of the Commission for Healthcare Audit and Inspection before preparing or altering provisions of a code which—
- (a) are applicable to accounts which are or include accounts of health service bodies; and
 - (b) concern the function under section 5(1)(e).”.

(4) In section 7—

 - (a) in subsection (2)(a), for "such organisations" substitute " the Commission for Healthcare Audit and Inspection and such other organisations ";
 - (b) in subsection (9), after paragraph (a) insert—

“(aa) the Commission for Healthcare Audit and Inspection;”.

(5) In section 33 (studies for improving economy etc in services), in subsection (6), at the end insert—

 - (d) in the case of a study which has a connection with English local authority social services (within the meaning of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003), also consult the Commission for Social Care Inspection; and
 - (e) in the case of a study which has a connection with Welsh local authority social services (within the meaning of that Part of that Act), also consult the National Assembly for Wales;”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(6) In that section, after subsection (6) insert—

“(7) The following provisions of this section do not apply in relation to the bodies specified in subsection (8)—

- (a) subsection (1)(a);
- (b) subsection (1)(b), so far as relating to management other than financial management;
- (c) subsection (4).

(8) Those bodies are—

- (a) any Primary Care Trust;
- (b) any Strategic Health Authority;
- (c) any NHS trust (within the meaning of the National Health Service Act 1977) all or most of whose hospitals, establishments and facilities are situated in England.”

(7) In section 34(6), after paragraph (b) insert—

“(ba) in the case of a study which has a connection with any English local authority social service (within the meaning of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003), the Commission for Social Care Inspection;

(bb) in the case of a study which has a connection with any Welsh local authority social service (within the meaning of that Part of that Act), the National Assembly for Wales;”.

^{F38}(8)

^{F39}(9)

(10) In section 49(1)—

(a) after paragraph (b) insert—

“(ba) to the Commission for Social Care Inspection for the purposes of its functions under Chapter 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003;

(bb) to the National Assembly for Wales for the purposes of its functions under Chapter 4 of that Part of that Act;”.

(b) in paragraph (c), at the end insert “ or for the purposes of the functions of the Commission for Healthcare Audit and Inspection under Chapter 3 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

Textual Amendments

F38 Sch. 9 para. 12(8) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 18 Pt. 11](#); S.I. 2008/172, art. 2(1)(u)(i)

F39 Sch. 9 para. 12(9) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 18 Pt. 10](#); S.I. 2008/172, art. 2(1)(u)(i)

Commencement Information

I108 Sch. 9 para. 12 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 9](#)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Government of Wales Act 1998 (c. 38)

- 13 In Schedule 5 to the Government of Wales Act 1998, for paragraph 12A substitute—
 “12A The Commission for Healthcare Audit and Inspection.”

Commencement Information

I109 Sch. 9 para. 13 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), **art. 5(b)**

Protection of Children Act 1999 (c. 14)

- F40 14

Textual Amendments

F40 Sch. 9 para. 14 repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), **art. 2**, **Sch.** (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

Local Government Act 1999 (c. 27)

- 15 In section 25(2) of the Local Government Act 1999, for paragraphs (e) to (g) substitute—
 “(e) the Commission for Social Care Inspection;”.

Commencement Information

I110 Sch. 9 para. 15 in force at 15.1.2007 for E. by [S.I. 2006/3397](#), **art. 5**

Care Standards Act 2000 (c. 14)

- 16 The Care Standards Act 2000 has effect subject to the following amendments.

Commencement Information

I111 Sch. 9 para. 16 in force at 11.3.2004 for specified purposes by [S.I. 2004/759](#), **art. 5(1)(b)**

I112 Sch. 9 para. 16 in force at 11.3.2004 for E. by [S.I. 2004/759](#), **art. 4(1)(b)**

I113 Sch. 9 para. 16 in force at 1.4.2004 in so far as not already in force by [S.I. 2004/759](#), **art. 5(2)(b)**

- 17 In section 5, in paragraph (a), for “the National Care Standards Commission” substitute—
 “(i) the CHAI, in the case of independent hospitals, independent clinics and independent medical agencies;
 (ii) the CSCI, in the case of children’s homes, care homes, residential family centres, domiciliary care agencies, nurses agencies, fostering agencies, voluntary adoption agencies and adoption support agencies;”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I114 Sch. 9 para. 17 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

18 (1) Section 8 is amended as follows.

^{F41}(2)

(3) At the end insert—

“(6) In this section, “Part II services” means services of the kind provided by persons registered under Part II, other than the provision of—

- (a) medical or psychiatric treatment, or
- (b) listed services (as defined in section 2).”

Textual Amendments

F41 Sch. 9 para. 18(2) repealed (1.4.2007) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

Commencement Information

I115 Sch. 9 para. 18 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

19 In section 10—

- (a) subsection (1) is omitted; and
- (b) in subsection (6)(b), for “by the Commission” substitute “ by the CHAI or the CSCI under this Act ”.

Commencement Information

I116 Sch. 9 para. 19 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

20 In section 11(4), for “the Commission” substitute “ the CHAI or the CSCI ”.

Commencement Information

I117 Sch. 9 para. 20 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

21 In section 23(4)(d), after the second “or” insert “ against a voluntary adoption agency or adoption support agency for an offence under ”.

Commencement Information

I118 Sch. 9 para. 21 in force at 1.4.2004 for E. by [S.I. 2004/759](#), [art. 4\(2\)\(b\)](#)

22 In section 29(1)—

- (a) for “the Commission”, in the first place, substitute “ the CHAI or the CSCI (as appropriate) ”, and
- (b) for “the Commission”, in the second place, substitute “ either the CHAI or the CSCI ”.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I119 Sch. 9 para. 22 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

- 23 In section 31—
- (a) in subsection (6), for “powers” substitute “ power ”; and
 - (b) in subsection (7), for “the Commission” substitute “ the CHAI or the CSCI ”.

Commencement Information

I120 Sch. 9 para. 23(a) in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

I121 Sch. 9 para. 23(b) in force at 11.3.2004 for specified purposes by [S.I. 2004/759](#), [art. 5\(1\)\(b\)](#)

- 24 In section 36A for “the Commission”, in all places, substitute “ the CSCI ”.

Commencement Information

I122 Sch. 9 para. 24 in force at 1.4.2004 for E. by [S.I. 2004/759](#), [art. 4\(2\)\(b\)](#)

- 25 In section 42, at the end insert—
- “(5) Regulations under subsection (1) made by the Secretary of State may in particular specify whether, for the purposes of the application of this Part to any person, the registration authority is to be the CHAI or the CSCI.”

Commencement Information

I123 Sch. 9 para. 25 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

^{F42}26

Textual Amendments

F42 Sch. 9 para. 26 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

- 27 In section 51(1), for the words from “in relation to” to “registration authority” substitute “ in England in relation to which powers conferred by section 80 of the Health and Social Care (Community Health and Standards) Act 2003 may be exercised to pay to the CSCI ”.

Commencement Information

I124 Sch. 9 para. 27 in force at 11.3.2004 for E. by [S.I. 2004/759](#), [art. 4\(1\)\(b\)](#)

I125 Sch. 9 para. 27 in force at 1.4.2004 for E. by [S.I. 2004/759](#), [art. 4\(2\)\(b\)](#)

- 28 In section 55(3)(e)—
- (a) for “the Commission” substitute “ the CSCI ”;

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) for “section 31 or 46 of this Act” substitute “ section 31 of this Act or section 88 or 98 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

Commencement Information

I126 Sch. 9 para. 28 in force at 1.4.2004 for E. by [S.I. 2004/759](#), **art. 4(2)(b)**

29 In section 113, after subsection (1) insert—

“(1A) The powers conferred by this section are exercisable by the Secretary of State if he is satisfied that—

- (a) the CHAI or the CSCI has without reasonable excuse failed to discharge, or properly to discharge, any of its functions under this Act, or
- (b) in discharging any of its functions under this Act the CHAI or the CSCI has without reasonable excuse failed to comply with any directions given by him in relation to those functions.”

Commencement Information

I127 Sch. 9 para. 29 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 5(2)(b)**

30 In section 121, in the Table in subsection (13), insert the following entries at the appropriate places— “ CHAI Section 5A ”; and “ CSCI Section 5B ”.

Commencement Information

I128 Sch. 9 para. 30 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 5(2)(b)**

Freedom of Information Act 2000 (c. 36)

31 In the Freedom of Information Act 2000, in Part 6 of Schedule 1, at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection, in respect of information held for purposes other than those of its functions exercisable by virtue of paragraph 5(a)(i) of the Care Standards Act 2000. ”; “ Commission for Social Care Inspection, in respect of information held for purposes other than those of its functions exercisable by virtue of paragraph 5(a)(ii) of the Care Standards Act 2000. ”.

Commencement Information

I129 Sch. 9 para. 31 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), **art. 3(b)**

I130 Sch. 9 para. 31 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), **art. 5(b)**

Adoption and Children Act 2002 (c. 38)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F43** Sch. 9 para. 32 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), art. 5(ii)

SCHEDULE 10

Section 150

RECOVERY OF NHS CHARGES: EXEMPTED PAYMENTS

- 1 Any payment made to or for the injured person under—
- (a) section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (compensation orders against convicted persons),
 - (b) section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (corresponding provision in relation to Scotland), or
 - (c) Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)) (corresponding provision in relation to Northern Ireland).

Commencement Information

- I131** [Sch. 10 para. 1](#) in force at 29.1.2007 for S. by [S.S.I. 2007/10](#), art. 2(2)(f)
I132 [Sch. 10 para. 1](#) in force at 29.1.2007 for E.W. by [S.I. 2006/3397](#), art. 2(2)(c)

- 2 Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—
- (a) the injury suffered by the injured person, or
 - (b) any connected injury suffered by another.

Commencement Information

- I133** [Sch. 10 para. 2](#) in force at 29.1.2007 for E.W. by [S.I. 2006/3397](#), art. 2(2)(c)
I134 [Sch. 10 para. 2](#) in force at 29.1.2007 for S. by [S.S.I. 2007/10](#), art. 2(2)(f)

- 3 Any payment made out of property held for the purposes of a prescribed trust.

Commencement Information

- I135** [Sch. 10 para. 3](#) partly in force; [sch. 10 para. 3](#) in force at Royal Assent for certain purposes, see s. 199(1)(4)
I136 [Sch. 10 para. 3](#) in force at 29.1.2007 for S. in so far as not already in force by [S.S.I. 2007/10](#), art. 2(2)(f)
I137 [Sch. 10 para. 3](#) in force at 29.1.2007 for E.W. in so far as not already in force by [S.I. 2006/3397](#), art. 2(2)(c)

- 4 (1) Any payment made to the injured person by an insurer under the terms of any contract of insurance entered into between the injured person and the insurer before the occurrence of the injury in question.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In sub-paragraph (1), “insurer” means—
- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 (c. 8) to effect or carry out contracts of insurance, or
 - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (3) Sub-paragraph (2) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
 - (b) any relevant order under that section, and
 - (c) Schedule 2 to that Act.

Commencement Information

I138 Sch. 10 para. 4 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)

I139 Sch. 10 para. 4 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)

- 5 Any payment which apart from this paragraph would be made by—
- (a) the responsible body of the health service hospital to whom the payment would subsequently be passed under section 162,
 - (b) the relevant ambulance trust to whom the payment would subsequently be passed under that section.

Commencement Information

I140 Sch. 10 para. 5 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)

I141 Sch. 10 para. 5 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)

- 6 Any payment to the extent that it is made—
- (a) in consequence of an action under the Fatal Accidents Act 1976 (c. 30),
 - (b) in consequence of an action under the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)), or
 - (c) in circumstances where, had an action been brought, it would have been brought under that Act or Order.

Commencement Information

I142 Sch. 10 para. 6 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)

I143 Sch. 10 para. 6 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)

- 7 Any payment to the extent that it is made in respect of a liability arising by virtue of [^{F44}any of sections 4 to 6 of the Damages (Scotland) Act 2011 (asp 7)].

Textual Amendments

F44 Words in Sch. 10 para. 7 substituted (S.) (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), s. 19(3), Sch. 1 para. 8 (with ss. 17, 19(2)); S.S.I. 2011/268, art. 3 (with art. 4)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I144 Sch. 10 para. 7 in force at 29.1.2007 for E.W. by [S.I. 2006/3397](#), [art. 2\(2\)\(c\)](#)

I145 Sch. 10 para. 7 in force at 29.1.2007 for S. by [S.S.I. 2007/10](#), [art. 2\(2\)\(f\)](#)

- 8 Any payment of a prescribed description, either generally or in such circumstances as may be prescribed.

Commencement Information

I146 Sch. 10 para. 8 partly in force; Sch. 10 para. 8 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I147 Sch. 10 para. 8 in force at 29.1.2007 for S. in so far as not already in force by [S.S.I. 2007/10](#), [art. 2\(2\)\(f\)](#)

I148 Sch. 10 para. 8 in force at 29.1.2007 for E.W. in so far as not already in force by [S.I. 2006/3397](#), [art. 2\(2\)\(c\)](#)

SCHEDULE 11

Section 184

PART 4: MINOR AND CONSEQUENTIAL AMENDMENTS

National Health Service (Amendment) Act 1949 (c. 93)

- 1 (1) The National Health Service (Amendment) Act 1949 (which is spent in relation to England and Wales) shall cease to have effect.
- (2) This paragraph extends to England and Wales only.

Commencement Information

I149 Sch. 11 para. 1 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(a\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

I150 Sch. 11 para. 1 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(a\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

Health Services and Public Health Act 1968 (c. 46)

- 2 The Health Services and Public Health Act 1968 has effect subject to the following amendments.

Commencement Information

I151 Sch. 11 para. 2 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(b\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

I152 Sch. 11 para. 2 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(b\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I153 Sch. 11 para. 2 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(a\)](#)

I154 Sch. 11 para. 2 in force at 1.4.2006 for E. so far as not already in force by [S.I. 2005/2925](#), [art. 10\(2\)\(a\)](#)

- 3 (1) Section 59 is amended as follows.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsection (1)—
- (a) after “local pharmaceutical services,” insert “ primary medical services, ”;
 - (b) after “personal medical services,” insert “ primary dental services, ”.
- (3) In subsection (2), after “1977” insert “ (in the case of pharmaceutical services) ”.
- (4) In subsection (2A), omit “section 28C of the 1977 Act,”.
- (5) After subsection (2B) insert—
- “(2C) In subsection (1), the references to primary medical services and primary dental services are references to primary medical services and primary dental services provided under Part 1 of the 1977 Act or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man.”

Commencement Information

- I155** Sch. 11 para. 3(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(c\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I156** Sch. 11 para. 3(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(c\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I157** Sch. 11 para. 3(1)(2)(b) in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(a\)](#)
- I158** Sch. 11 para. 3(2)(a)(3)-(5) in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(c\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I159** Sch. 11 para. 3(2)(a)(3)-(5) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(c\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I160** Sch. 11 para. 3(2)(b) in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(a\)](#)

- 4 In section 63(2)—
- (a) after paragraph (a) insert—
 - “(aa) the provision or performance of a primary medical service or primary dental service under Part 1 of the 1977 Act and an activity involved in or connected with the provision or performance of such a service;”;
 - (b) in paragraph (ba), omit “section 28C of the 1977 Act or”.

Commencement Information

- I161** Sch. 11 para. 4 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(d\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I162** Sch. 11 para. 4 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(d\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 5 In section 64(3)(b), after “make arrangements” insert “ or any service which a Primary Care Trust or Local Health Board is under a duty to provide under section 16CA or 16CC of that Act ”.

Commencement Information

- I163** Sch. 11 para. 5 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(d\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I164 Sch. 11 para. 5 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(d)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Patents Act 1977 (c. 37)

- 6 (1) Section 56(4)(a) of the Patents Act 1977 is amended as follows.
- (2) After “the provision of—” insert—
 - “(ai) primary medical services or primary dental services under Part 1 of the National Health Service Act 1977, or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man, or”.
- (3) In sub-paragraph (i), after “1977” insert “ (in the case of pharmaceutical services) ”.
- (4) In sub-paragraph (ii), omit “section 28C of the 1977 Act,”.

Commencement Information

- I165** Sch. 11 para. 6 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(d)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I166** Sch. 11 para. 6 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(d)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

National Health Service Act 1977 (c. 49)

F457

Textual Amendments

F45 Sch. 11 paras. 7-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F458

Textual Amendments

F45 Sch. 11 paras. 7-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F459

Textual Amendments

F45 Sch. 11 paras. 7-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4510

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F45 Sch. 11 paras. 7-10 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F46 11

Textual Amendments

F46 Sch. 11 para. 11 brought into force in so far as not already in force and repealed (1.3.2007 immediately before the [National Health Service Act 2006](#) comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006](#) (S.I. 2006/1407), arts. 1(1), 2, [Sch. 1 para. 13\(b\)](#), [Sch. 2](#) (with art. 4)

F47 12

Textual Amendments

F47 Sch. 11 paras. 12-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F47 13

Textual Amendments

F47 Sch. 11 paras. 12-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F47 14

Textual Amendments

F47 Sch. 11 paras. 12-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F47 15

Textual Amendments

F47 Sch. 11 paras. 12-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F47 16

Textual Amendments

F47 Sch. 11 paras. 12-16 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F48 17

Textual Amendments

F48 Sch. 11 para. 17 brought into force in so far as not already in force and repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, **Sch. 1 para. 13(b)**, **Sch. 2** (with art. 4)

F49 18

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F49 19

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F49 20

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F49 21

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F49 22

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F49 23

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4924

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4925

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4926

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4927

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4928

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4929

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4930

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4931

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F4932

Textual Amendments

F49 Sch. 11 paras. 18-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

- 33 (1) Section 98 is amended as follows.
- (2) In subsection (1)—
- (a) insert “ and ” at the end of paragraph (dd);
 - (b) omit paragraph (e) and the preceding “and”.
- (3) In subsection (4)—
- (a) in paragraph (a), omit the words from “, other than” to the end;
 - (b) omit paragraph (b).

Commencement Information

I167 Sch. 11 para. 33 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), **art. 10(2)(d)**

F5034

Textual Amendments

F50 Sch. 11 para. 34 repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), **art. 1(1)**, **Sch. 2** (with **art. 4**)

F5135

Textual Amendments

F51 Sch. 11 paras. 35-37 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5136

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F51 Sch. 11 paras. 35-37 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5137

Textual Amendments

F51 Sch. 11 paras. 35-37 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5238

Textual Amendments

F52 Sch. 11 para. 38 repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)

F5339

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5340

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5341

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5342

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F5343

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F53}44

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F53}45

Textual Amendments

F53 Sch. 11 paras. 39-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

National Health Service (Scotland) Act 1978 (c. 29)

46 (1) Section 17D of the National Health Service (Scotland) Act 1978 is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (b)(ii), after “arrangements or” insert “ primary medical services in accordance with ”;
- (b) in paragraph (c)(ii), after “arrangements or” insert “ primary dental services in accordance with ”.

(3) In subsection (2), in the definition of “NHS employee”—

- (a) in paragraph (b)(ii), after “arrangements or” insert “ primary medical services in accordance with ”;
- (b) in paragraph (c)(i), for “36(1)(a)” substitute “ 28X ”;
- (c) in paragraph (c)(ii), after “arrangements or” insert “ primary dental services in accordance with ”.

Commencement Information

I168 Sch. 11 para. 46(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(r\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

I169 Sch. 11 para. 46(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(v\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I170 Sch. 11 para. 46(1)(2)(b)(3)(b)(c) in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(j\)](#)

I171 Sch. 11 para. 46(1)(2)(b)(3)(b)(c) in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(g\)](#)

I172 Sch. 11 para. 46(2)(a)(3)(a) in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(r\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

I173 Sch. 11 para. 46(2)(a)(3)(a) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(v\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Medical Act 1983 (c. 54)

47 The Medical Act 1983 is amended as follows.

Commencement Information

I174 Sch. 11 para. 47 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(w)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I175 Sch. 11 para. 47 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(s)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

48 In section 11(4), in the definition of “medical practice”—

(a) after “practitioners—” insert—

“(za) perform primary medical services under Part 1 of the National Health Service Act 1977; or”;

(b) in paragraph (a), omit “Part II of the National Health Service Act 1977,”;

(c) in paragraph (b), omit “section 28C of the 1977 Act.”

Commencement Information

I176 Sch. 11 para. 48 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(s)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

I177 Sch. 11 para. 48 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(w)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

49 In section 12(2)(a), for “general medical services under Part II of the National Health Service Act 1977,” substitute “primary medical services under Part 1 of the National Health Service Act 1977 or general medical services under ”.

Commencement Information

I178 Sch. 11 para. 49 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(s)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

I179 Sch. 11 para. 49 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(w)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Dentists Act 1984 (c. 24)

50 In section 40(2) of the Dentists Act 1984, after paragraph (a) insert—

“(aa) by a person providing primary dental services under section 28C of the National Health Service Act 1977 or under a contract under section 28K of that Act, or”.

Commencement Information

I180 Sch. 11 para. 50 in force at 1.4.2006 for E. by S.I. 2005/2925, **art. 10(2)(h)**

I181 Sch. 11 para. 50 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(k)**

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Community Health Councils (Access to Information) Act 1988 (c. 24)

51 In section 1(6) of the Community Health Councils (Access to Information) Act 1988, in the paragraph 6B inserted into Schedule 12A of the Local Government Act 1972 (c. 70)—

- (a) after paragraph (a) insert—
 - “(aa) any particular person who is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of that Act; or
 - (ab) any particular person who is or was formerly providing services under a contract under section 28K or section 28Q of that Act; or”;
- (b) in paragraph (b), for “such a person” substitute “ a person mentioned in paragraphs (a) to (ab) above ”.

Commencement Information

- I182** Sch. 11 para. 51 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(x\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I183** Sch. 11 para. 51 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(t\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Copyright, Designs and Patents Act 1988 (c. 48)

52 In section 240(4) of the Copyright, Designs and Patents Act 1988—

- (a) after “providing—” insert—
 - “(za) primary medical services or primary dental services under Part 1 of the National Health Service Act 1977”;
- (b) in paragraph (a)(i), after “1977” insert “ (in the case of pharmaceutical services) ”;
- (c) omit paragraph (b)(i).

Commencement Information

- I184** Sch. 11 para. 52 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(x\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I185** Sch. 11 para. 52 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(t\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Health and Medicines Act 1988 (c. 49)

53 The Health and Medicines Act 1988 has effect subject to the following amendments.

Commencement Information

- I186** Sch. 11 para. 53 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(y\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I187** Sch. 11 para. 53 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(u\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I188 Sch. 11 para. 53 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(i\)](#)

- 54 In section 12(1)—
- (a) omit “The Dental Estimates Board shall be renamed as “the Dental Practice Board” and”;
 - (b) in paragraph (a), omit “for any reference to the Dental Estimates Board there were substituted a reference to the Dental Practice Board and”;
 - (c) in paragraph (b)—
 - (i) omit “the Dental Estimates Board or”;
 - (ii) for “either or both of those Boards” substitute “ that Board ”, and
 - (iii) omit “the Dental Practice Board and”.

Commencement Information

I189 Sch. 11 para. 54 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(i\)](#)

- 55 In section 17(1)—
- (a) omit “29, 36”;
 - (b) for “39 or 42” substitute “ 38, 39, 41 or 42 ”.

Commencement Information

I190 Sch. 11 para. 55 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(y\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I191 Sch. 11 para. 55 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(u\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

National Health Service and Community Care Act 1990 (c. 19)

- 56 (1) Section 18 of the National Health Service and Community Care Act 1990 is amended as follows (for so long as it has effect).
- (2) In subsection (1), for “Health Authority”, in each place, substitute “ Local Health Board ”.
 - (3) In subsection (3), for paragraphs (a) and (b) substitute—
 - “(a) a person or body who has entered into a contract under section 28Q of the principal Act, otherwise than in partnership; or
 - (b) two or more individuals practising in partnership who together have entered into such a contract.”.
 - (4) In subsections (4) and (5), for “Health Authority”, in each place, substitute “ Local Health Board ”.
 - (5) At the end insert—
 - “(9) In this section, references to the “relevant” Primary Care Trust or Local Health Board, in relation to a practice, are to the Primary Care Trust or Local Health Board with which it has entered into a contract under section 28Q of the principal Act.”

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I192** Sch. 11 para. 56 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(z)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I193** Sch. 11 para. 56 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(v)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Access to Health Records Act 1990 (c. 23)

- 57 (1) The Access to Health Records Act 1990 is amended as follows.
- (2) In section 1, in subsection (2), for paragraph (a) substitute—
- “(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with a Primary Care Trust or Local Health Board, the person or body who entered into the contract with the Trust or Board (or, in a case where more than one person so entered into the contract, any such person);
- (aa) in the case of a record made by a health professional performing such services in accordance with arrangements under section 28C of that Act with a Primary Care Trust, Strategic Health Authority or Local Health Board, the person or body which made the arrangements with the Trust, Authority or Board (or, in a case where more than one person so made the arrangements, any such person);”.
- (3) In that subsection, in paragraph (b), after “by a health service body” insert “(and not falling within paragraph (aa) above)”.
- (4) In section 7—
- (a) in subsection (2), omit the words from “(other” to “section 1(2)(a) above”;
- and
- (b) omit subsection (3).
- (5) In section 11—
- (a) at the appropriate place, insert—
- ““general medical services contract” means a contract under section 28Q of the National Health Service Act 1977;”;
- (b) omit the definition of “general practitioner”.
- (6) This paragraph extends to England and Wales only.

Commencement Information

- I194** Sch. 11 para. 57 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(v)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I195** Sch. 11 para. 57 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(z)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Water Industry Act 1991 (c. 56)

- 58 In Schedule 4A to the Water Industry Act 1991, for paragraph 7 substitute—

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- “7 Premises not falling within paragraph 5 or 6 above which are used for the provision of primary medical services or primary dental services under Part 1 of the National Health Service Act 1977.”

Commencement Information

- I196** Sch. 11 para. 58 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(v)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I197** Sch. 11 para. 58 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(z)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 59 (1) Section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In paragraph (a), omit “28C, 29, 35”.
- (3) Renumber the existing provision as subsection (1).
- (4) After that provision insert—

“(2) In this Act “worker” also includes an individual regarded in his capacity as one who works or normally works or seeks to work as a person performing primary medical services or primary dental services—

(a) in accordance with arrangements made by a Primary Care Trust, Strategic Health Authority or Local Health Board under section 28C of the National Health Service Act 1977; or

(b) under a contract under section 28K or 28Q of that Act entered into by him with a Primary Care Trust or Local Health Board,

and “employer” in relation to such an individual, regarded in that capacity, means that Trust, Authority or Board.”

Commencement Information

- I198** Sch. 11 para. 59 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(z)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I199** Sch. 11 para. 59 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(v)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Health Service Commissioners Act 1993 (c. 46)

- 60 The Health Service Commissioners Act 1993 has effect subject to the following amendments.

Commencement Information

- I200** Sch. 11 para. 60 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 4(2)(aa)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I201** Sch. 11 para. 60 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, **art. 5(2)(w)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I202 Sch. 11 para. 60 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(j\)](#)

- 61 In section 2—
 - (a) in subsection (1)(c), for the words from “exercising” to the end substitute “not exercising functions only or mainly in Wales”;
 - ^{F54}(b)

Textual Amendments

F54 Sch. 11 para. 61(b) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 7](#); [S.I. 2005/2800](#), [art. 5\(1\)\(3\)](#)

Commencement Information

I203 Sch. 11 para. 61 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(aa\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I204 Sch. 11 para. 61 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(j\)](#)

- 62 (1) Section 2A is amended as follows.
 - (2) In subsection (1)—
 - (a) for paragraph (a) substitute—
 - “(a) persons (whether individuals or bodies) providing services under a contract entered into by them with a Primary Care Trust under section 28K or 28Q of the National Health Service Act 1977”;
 - (b) in paragraph (c), for “personal”, in both places, substitute “primary”.
 - ^{F55}(3)

Textual Amendments

F55 Sch. 11 para. 62(3) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 7](#); [S.I. 2005/2800](#), [art. 5\(1\)\(3\)](#)

Commencement Information

I205 Sch. 11 para. 62 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(aa\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I206 Sch. 11 para. 62 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(w\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 63 In section 6(5)—
 - (a) omit “29, 36”;
 - (b) for “39 or 42” substitute “38, 39, 41 or 42”.

Commencement Information

I207 Sch. 11 para. 63 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(aa\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I208 Sch. 11 para. 63 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(w\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

64 In section 18(1), after “partly” insert “ or wholly ”.

Commencement Information

- I209** Sch. 11 para. 64 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(aa\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I210** Sch. 11 para. 64 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(j\)](#)

Employment Rights Act 1996 (c. 18)

65 (1) Section 43K of the Employment Rights Act 1996 is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

“(ba) works or worked as a person performing services under a contract entered into by him with a Primary Care Trust or Local Health Board under section 28K or 28Q of the National Health Service Act 1977,”.

(3) In subsection (2), after paragraph (a) insert—

“(aa) in relation to a worker falling within paragraph (ba) of that subsection, the Primary Care Trust or Local Health Board referred to in that paragraph,”.

Commencement Information

- I211** Sch. 11 para. 65 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(bb\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I212** Sch. 11 para. 65 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(x\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Education Act 1996 (c. 56)

66 In section 520(1) of the Education Act 1996, for “(1A)” substitute “ 16CB ”.

Commencement Information

- I213** Sch. 11 para. 66 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(l\)](#)
- I214** Sch. 11 para. 66 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(k\)](#)

Health Act 1999 (c. 8)

67 In Schedule 3 to the Health Act 1999, in paragraph 11(2)—

(a) in sub-paragraph (c), for the words from “provide” to “under” substitute “ perform primary medical services under Part 1 of ”;

(b) in sub-paragraph (d), for the words from “provide” to “under” substitute “ perform primary dental services under Part 1 of ”.

Commencement Information

- I215** Sch. 11 para. 67(a) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(bb\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

Status: Point in time view as at 01/07/2012.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- I216** Sch. 11 para. 67(a) in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(x)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I217** Sch. 11 para. 67(b) in force at 1.4.2006 for E. by [S.I. 2005/2925](#), **art. 10(2)(l)**
- I218** Sch. 11 para. 67(b) in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), **art. 6(2)(m)**
- I219** Sch. 11 para. 67(b) in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by [S.I. 2006/1407](#), **art. 1(1)**, **Sch. 1 para. 13** (with [art. 4](#))

Freedom of Information Act 2000 (c. 36)

68 In Schedule 1 to the Freedom of Information Act 2000, in Part 3, before paragraph 44 insert—

“43A Any person providing primary medical services or primary dental services—

- (a) in accordance with arrangements made under section 28C of the National Health Service Act 1977; or
- (b) under a contract under section 28K or 28Q of that Act;

in respect of information relating to the provision of those services.”

Commencement Information

- I220** Sch. 11 para. 68 in force at 17.1.2005 for E. by [S.I. 2005/38](#), **art. 2(c)** (with [art. 3](#))
- I221** Sch. 11 para. 68 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), **art. 6(2)(n)**
- I222** Sch. 11 para. 68 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by [S.I. 2006/1407](#), **art. 1(1)**, **Sch. 1 para. 13** (with [art. 4](#))

Health and Social Care Act 2001 (c. 15)

F5669

Textual Amendments

- F56** Sch. 11 paras. 69-74 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F5670

Textual Amendments

- F56** Sch. 11 paras. 69-74 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F5671

Textual Amendments

- F56** Sch. 11 paras. 69-74 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F5672

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F56 Sch. 11 paras. 69-74 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F56⁷³

Textual Amendments

F56 Sch. 11 paras. 69-74 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

74 (1) Section 17 of the National Health Service Reform and Health Care Professions Act 2002 is amended as follows.

(2) In subsection (1)—

(a) after paragraph (f) insert—

[^{F57}“(fb) persons providing primary medical services, primary dental services or primary ophthalmic services under Part 1 of the 1977 Act.”]; and

(b) in paragraph (g), omit the words from “or under” to “that Act”.

(3) In subsection (2), for “(1)(g)” substitute “(1)(fa), (g)”.

Textual Amendments

F57 Sch. 11 para. 74(2)(a) amended by 2002 c. 17, s. 17(1)(fa) (as substituted (1.8.2008) by Health Act 2006 (c. 28), s. 83(7), **Sch. 8 para. 50(a)**; S.I. 2008/1972, art. 2(b))

Commencement Information

I223 Sch. 11 para. 74 in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(z)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

I224 Sch. 11 para. 74 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(dd)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

SCHEDULE 12

Section 187

PRIVY COUNCIL APPOINTMENTS

Pharmacy Act 1954 (2 & 3 Eliz 2 c. 61)

F58¹

Status: Point in time view as at 01/07/2012.

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Textual Amendments

F58 Sch. 12 para. 1 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 9](#); S.I. 2006/2603, art. 4(5)(e), Sch.

Medical Act 1983 (c. 54)

- 2 (1) Schedule 1 to the Medical Act 1983 (the General Medical Council) is amended as follows.
- (2) In paragraph 4(1) (nominated members) for the words “Her Majesty on the advice of Her Privy Council” there are substituted “ the Privy Council ”.
- ^{F59}(3)

Textual Amendments

F59 Sch. 12 para. 2(3) repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 9](#); S.I. 2006/2603, art. 4(5)(e), Sch.

Commencement Information

I225 Sch. 12 para. 2 in force at 19.10.2004 by [S.I. 2004/2626](#), [art. 2](#)

Dentists Act 1984 (c. 24)

- 3 (1) Schedule 1 to the Dentists Act 1984 (the General Dental Council) is amended as follows.
- ^{F60}(2)
- (3) In paragraph 2 (lay members) for sub-paragraphs (2) and (3) there are substituted the following—
- “(2) The lay members shall be appointed by the Privy Council.
- (3) The lay members must include at least one person from each of England, Scotland, Wales and Northern Ireland.
- (4) A person is from England, Scotland, Wales or Northern Ireland (as the case may be) if he lives or works there or mainly lives or works there.”
- ^{F61}(4)

Textual Amendments

F60 Sch. 12 para. 3(2) repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 9](#); S.I. 2006/2603, art. 4(5)(e), Sch.

F61 Sch. 12 para. 3(4) repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 9](#); S.I. 2006/2603, art. 4(5)(e), Sch.

Commencement Information

I226 Sch. 12 para. 3 in force at 19.10.2004 by [S.I. 2004/2626](#), [art. 2](#)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Opticians Act 1989 (c. 44)

F62₄

Textual Amendments

F62 Sch. 12 paras. 4-8 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), **Sch. 9**; S.I. 2006/2603, art. 4(5)(e), Sch.

Osteopaths Act 1993 (c. 21)

F62₅

Textual Amendments

F62 Sch. 12 paras. 4-8 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), **Sch. 9**; S.I. 2006/2603, art. 4(5)(e), Sch.

Chiropractors Act 1994 (c. 17)

F62₆

Textual Amendments

F62 Sch. 12 paras. 4-8 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), **Sch. 9**; S.I. 2006/2603, art. 4(5)(e), Sch.

The Nursing and Midwifery Order 2001 (S.I. 2002/253)

F62₇

Textual Amendments

F62 Sch. 12 paras. 4-8 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), **Sch. 9**; S.I. 2006/2603, art. 4(5)(e), Sch.

The Health Professions Order 2001 (S.I. 2002/254)

F62₈

Textual Amendments

F62 Sch. 12 paras. 4-8 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), **Sch. 9**; S.I. 2006/2603, art. 4(5)(e), Sch.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 13

Section 190

AMENDMENTS CONSEQUENTIAL ON THE ABOLITION OF
THE PUBLIC HEALTH LABORATORY SERVICE BOARD

Parliamentary Commissioner Act 1967 (c. 13)

- 1 In paragraph 8(1) of Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to examination) the words “or by the Public Health Laboratory Service Board” are omitted.

Commencement Information

I227 Sch. 13 para. 1 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

House of Commons Disqualification Act 1975 (c. 24)

- 2 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) the entry relating to the Chairman of the Public Health Laboratory Service Board is omitted.

Commencement Information

I228 Sch. 13 para. 2 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

Race Relations Act 1976 (c. 74)

- 3 In Part 2 of Schedule 1A to the Race Relations Act 1976 (additional bodies subject to a general statutory duty) the entry relating to the Public Health Laboratory Service Board is omitted.

Commencement Information

I229 Sch. 13 para. 3 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

National Health Service Act 1977 (c. 49)

F634

Textual Amendments

F63 Sch. 13 para. 4 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Income and Corporation Taxes Act 1988 (c. 1)

F645

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F64 Sch. 13 para. 5 repealed (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), Sch. 3 Pt. 1 (with Sch. 2)

National Health Service and Community Care Act 1990 (c. 19)

- 6 In the National Health Service and Community Care Act 1990—
- ^{F65}(a)
 - ^{F65}(b)
 - (c) in section 60(7) (removal of Crown immunities) paragraph (h) and the word “and” preceding it are omitted.

Textual Amendments

F65 Sch. 13 para. 6(a)(b) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Health Service Commissioners Act 1993 (c. 46)

- 7 In section 2(1) of the Health Service Commissioners Act 1993 (bodies subject to investigation) paragraph (g) and the word “and” preceding it are omitted.

Commencement Information

I230 Sch. 13 para. 7 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

Employment Rights Act 1996 (c. 18)

- 8 In section 218(10) (list of health service employers affected by continuity of employment provisions) paragraph (e) and the word “and” preceding it are omitted.

Commencement Information

I231 Sch. 13 para. 8 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

Government of Wales Act 1998 (c. 38)

- 9 (1) In Schedule 5 to the Government of Wales Act 1998 (bodies covered by power of Assembly to require under section 74 of that Act certain persons to attend and give evidence and produce documents), paragraph 39 is omitted.
- (2) But sub-paragraph (1) does not affect a requirement made—
- (a) before this paragraph comes into force;
 - (b) in relation to any matter which occurred or existed before that time.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I232 Sch. 13 para. 9 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

Freedom of Information Act 2000 (c. 36)

- 10 In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act) paragraph 43 is omitted.

Commencement Information

I233 Sch. 13 para. 10 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

International Development Act 2002 (c. 1)

- 11 In Schedule 1 to the International Development Act 2002 (bodies with power to enter into certain arrangements) the words “Public Health Laboratory Service Board” are omitted.

Commencement Information

I234 Sch. 13 para. 11 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 12 In section 133(4) of the Nationality, Immigration and Asylum Act 2002 (disclosure of certain information to health service bodies)—
- (a) in paragraph (a) the word “ or ” is inserted after sub-paragraph (iii) and sub-paragraph (v) and the word “or” preceding it are omitted;
 - (b) in paragraph (b) the word “ or ” is inserted after sub-paragraph (i) and sub-paragraph (iii) and the word “or” preceding it are omitted.

Commencement Information

I235 Sch. 13 para. 12 in force at 1.4.2005 by S.I. 2005/457, art. 2(a)

SCHEDULE 14

Section 196

REPEALS AND REVOCATIONS

Commencement Information

- I236** Sch. 14 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, art. 4(2)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I237** Sch. 14 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 6 (with arts. 7-9) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I238 Sch. 14 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 5 (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

PART 1

NHS FOUNDATION TRUSTS

Commencement Information

I239 Sch. 14 Pt. 1 in force at 1.4.2004 for E.W. insofar as not already in force by S.I. 2004/759, art. 12

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Health Services and Public Health Act 1968 (c. 46)	In section 63(5B), the “and” at the end of paragraph (bbb).
National Health Service Act 1977 (c. 49)	In section 22(1A), the “or” at the end of paragraph (cc). In section 125, the “and” at the end of paragraph (bbb).
National Health Service and Community Care Act 1990 (c. 19)	In Schedule 2, paragraphs 21 and 25(b). In Schedule 9— paragraph 7(a), paragraph 13(a), in paragraph 18(5)(a), the words from “after” to “trust” and “, paragraph 36(4)(a).
Access to Health Records Act 1990 (c. 23)	In section 11, in the definition of “health service body”, the “or” before paragraph (d).
Courts and Legal Services Act 1990 (c. 41)	In Schedule 16— in paragraph 14(b), the words from “and after” to the end, paragraph 20.
Health and Social Care Act 2001 (c. 15)	In section 11(2), the “and” before paragraph (c).
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	In section 15(1), the “and” before paragraph (b).

PART 2

STANDARDS

Commencement Information

I240 Sch. 14 Pt. 2 in force at 1.4.2004 for specified purposes for E.W. by S.I. 2004/759, art. 13

I241 Sch. 14 Pt. 2 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/873, art. 2(e)

I242 Sch. 14 Pt. 2 in force at 1.9.2006 for specified purposes for E. by S.I. 2006/1680, art. 3(d)

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Reference	Extent of repeal or revocation
Public Records Act 1958 (c. 51)	In Schedule 1, in Part 2 of the Table at the end of paragraph 3, the entries relating to the Commission for Health Improvement and the National Care Standards Commission.
Public Bodies (Admission to Meetings) Act 1960 (c. 67)	In the Schedule, paragraph 1(bc) and (bf).
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries relating to the Commission for Health Improvement and the National Care Standards Commission.
Local Authority Social Services Act 1970 (c. 42)	Section 7B.
House of Commons Disqualification Act 1975 (c. 24)	In Part 2 of Schedule 1, the entries relating to the Commission for Health Improvement and the National Care Standards Commission.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 2 of Schedule 1, the entries relating to the Commission for Health Improvement and the National Care Standards Commission.
Hospital Complaints Procedure Act 1985 (c. 42)	In section 1— in subsection (1), the words from “to each”, where first occurring, to “Wales and” and the words “Strategic Health Authority, Health Authority, Special Health Authority or”; and “20 or” and “or Schedule 2,”; subsections (1B), (1C)(a) and (3)(a).
Children Act 1989 (c. 41)	Section 14G.
Health Service Commissioners Act 1993 (c. 46)	Section 4(6).
Health Authorities Act 1995 (c. 17)	In Schedule 1, paragraph 109.
Health Act 1999 (c. 8)	Sections 18 to 24. In section 62— in subsection (2), “20 or” and “or Schedule 2,”; in subsection (5), “20 or”. In section 64, the definition of “the Commission”. Section 66(6). Schedule 2. In Schedule 4, paragraph 71.
National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)	In Schedule 1, in the entry relating to the Health Act 1999, “20(1), 22 and” and “and Schedule 2 (other than paragraph 2)”. In Schedule 2, the entries relating to the Health Act 1999.
Care Standards Act 2000 (c. 14)	Sections 6 and 7.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	Section 9. Section 10(1). Section 22(8)(a). In section 31(6), “and inspect any medical records relating to his treatment in the establishment”. Section 32(8). Section 44. Section 45(1) to (3) and (5). Sections 46 and 47. Section 49(2). Section 51. In section 113(1), “the Commission or” and, in paragraph (b), “6(2) or”. In section 121(13), in the table, the entry for “the Commission”. In Schedule 1— in paragraph 1(1), “the Commission,”; paragraphs 9 to 11, 15 and 17.
Local Government Act 2000 (c. 22)	In Schedule 5, paragraph 29.
Freedom of Information Act 2000 (c. 36)	In Part VI of Schedule 1, the reference to the Commission for Health Improvement.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Sections 11 to 14. In Schedule 1, paragraphs 37, 49 and 50. In Schedule 5, paragraph 44. In Schedule 8, paragraphs 28 to 31.
Health and Social Care (Community Health and Standards) Act 2003	In Schedule 9, paragraph 27.

PART 3

RECOVERY OF NHS CHARGES

Commencement Information

I243 Sch. 14 Pt. 3 in force at 29.1.2007 for specified purposes for E.W. by S.I. 2006/3397, art. 3(1) (with art. 4)

I244 Sch. 14 Pt. 3 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(g) (with art. 3)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Road Traffic (NHS Charges) Act 1999 (c. 3)	The whole Act.
Road Traffic Act 1988 (c. 52)	In section 145(6)— (a) the words “or the Road Traffic (NHS Charges) Act 1999”, and (b) in paragraph (b), the words “or section 1 of the Act of 1999”. In section 161(1), in the definition of “hospital”, paragraph (b).

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Tribunals and Inquiries Act 1992 (c. 53)	In Part 2 of Schedule 1, paragraph 56(e).
Community Care and Health (Scotland) Act 2002 (asp 5)	Section 20(3).

PART 4

DENTAL AND MEDICAL SERVICES

Commencement Information

- I245** Sch. 14 Pt. 4 in force at 17.1.2005 for specified purposes for E. by S.I. 2005/38, **art. 2(d)** (with art. 3)
- I246** Sch. 14 Pt. 4 in force at 1.12.2005 for specified purposes for E. by S.I. 2005/2925, **art. 6(1)(c)**
- I247** Sch. 14 Pt. 4 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, **art. 4(1)(c)**
- I248** Sch. 14 Pt. 4 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 7(1)**
- I249** Sch. 14 Pt. 4 in force at 1.4.2006 for specified purposes by S.I. 2005/2925, **art. 11(1)**
- I250** Sch. 14 Pt. 4 in force at 27.10.2006 for specified purposes by S.I. 2006/2817, **art. 2(b)**
- I251** Sch. 14 Pt. 4 in force at 1.3.2007 for specified purposes, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, **art. 1(1)**, **Sch. 1 para. 13** (with art. 4)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
National Health Service (Amendment) Act 1949 (c. 93)	The whole Act.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 3, in paragraph 8(1), “the Dental Practice Board or”.
Health Services and Public Health Act 1968 (c. 46)	In section 59(2A), “section 28C of the 1977 Act,”. In section 63(2)(ba), “section 28C of the 1977 Act or”.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, the entry relating to the Chairman or Vice-Chairman of the Dental Practice Board or member of that Board appointed at an annual salary.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entry relating to the Dental Practice Board.
Patents Act 1977 (c. 37)	In section 56(4)(a)(ii), “section 28C of the 1977 Act,”.
National Health Service Act 1977 (c. 49)	In section 3(3), “medical, dental,”. Section 5(1A). In section 18A(3)(a), “general medical, general dental,”. In section 26(2)(a) and (4)(a), “general medical services, general dental services”.

Note: The repeals in this Part of this Schedule to the following enactments extend to England and Wales only—

- the National Health Service (Amendment) Act 1949 (c. 93);
- the Access to Health Records Act 1990 (c. 23);
- the National Health Service (Primary Care) Act 1997 (c. 46) and enactments amending that Act.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Section 28C(3) and (7).

In section 28D(2), the definitions of “qualifying dental practitioner” and “qualifying medical practitioner”.

Section 28DA.

In section 28E—

in subsection (2), paragraph (b) and the words following that paragraph;
subsection (3)(f), (g), (j) and (k);
subsections (5) to (8).

Sections 28F to 28H.

Sections 29 to 37.

Section 43ZA(3)(a) and (b).

In section 43C(3), in the definition of “Part II services” the words “general medical services, general dental services,”.

In section 43D—

in subsection (1), “general medical services, general dental services,”;
subsection (10)(a) and (b).

In section 44—

subsections (ZA1) to (B1);
subsection (3)(a) to (d);
subsection (5).

In section 45—

subsection (1)(b);
subsection (1ZA)(b) and the preceding “or”;
in subsection (1A), “Strategic Health Authority”;
in subsection (3), “general medical services, general dental services”;

Section 49F(1)(a) and (c).

In section 49H(1)(a), “or a dental corporation”.

In section 52, “general medical services, general dental services,”.

Section 53.

Section 56(a) and (b).

In section 72(5)(a), “, dental practitioners,”.

In section 78—

in the side-note, “dental or”;
subsections (1A) and (2).

Section 81(b).

Section 82(b).

Section 83(b).

Section 85(1)(e).

In section 98—

Note: The repeals in this Part of this Schedule to the following enactments extend to England and Wales only—

- (a) the National Health Service (Amendment) Act 1949 (c. 93);
- (b) the Access to Health Records Act 1990 (c. 23);
- (c) the National Health Service (Primary Care) Act 1997 (c. 46) and enactments amending that Act.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

subsection (1)(e) and the preceding “and”;

in subsection (4), in paragraph (a), the words from “, other than” to the end, and paragraph (b).

Section 99(1)(f) and the preceding “and”.

Section 100(1)(e) and the preceding “and”.

Section 102(1)(a)(iii) and (iv) and (2)(b) and (c).

In section 103(1)(a), “or in accordance with section 28C arrangements”.

In section 126(4), the words from “regulations made under section 32” to “or to”.

In section 128(1)—

the definitions of “dental corporation”, “medical list”, “personal dental services” and “personal medical services”;

in the definition of “terms of service”, the words “general medical services, general dental services,”.

In Schedule 1—

in the title, “and their education in dental health”;

in paragraph 1(a), “or dental” and “or for education in dental health”.

In Schedule 7A, in paragraph 3(1)(g), the words from “or under” to “this Act”.

In Schedule 12—

in the heading preceding paragraph 2, “dental or”;

in paragraph 2, sub-paragraphs (3) to (7) and, in sub-paragraph (8), the words from “and, in the case of” to the end; paragraph 3 and the preceding heading; paragraph 6.

In Schedule 12A—

paragraph 1(2)(d) and the preceding “or”;

paragraph 2(2)(c) and the preceding “or”;

paragraph 4(2)(b) and the preceding “or”;

paragraph 5(2)(b) and the preceding “or”;

paragraph 6A(2)(d) and the preceding “or”;

Note: The repeals in this Part of this Schedule to the following enactments extend to England and Wales only—

(a) the National Health Service (Amendment) Act 1949 (c. 93);

(b) the Access to Health Records Act 1990 (c. 23);

(c) the National Health Service (Primary Care) Act 1997 (c. 46) and enactments amending that Act.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	paragraph 6B(2)(c) and the preceding “or”.
National Health Service (Scotland) Act 1978 (c. 29)	Section 17A(2)(g).
Health Services Act 1980 (c. 53)	In Schedule 5, paragraphs 2(3) and 4.
Health and Social Services and Social Security Adjudications Act 1983 (c. 41)	Section 14(1). Section 15(a). In Schedule 6, paragraph 2.
Medical Act 1983 (c. 54)	In section 11(4), in the definition of “medical practice”— in paragraph (a), “Part II of the National Health Service Act 1977,”; in paragraph (b), “section 28C of the 1977 Act.” In Schedule 5, paragraph 16(a).
Dentists Act 1984 (c. 24)	In section 40(2)(ab), “section 28C of the National Health Service Act 1977 or”. In Schedule 5, paragraph 8.
Health and Social Security Act 1984 (c. 48)	In Schedule 3, paragraph 5.
Income and Corporation Taxes Act 1988 (c. 1)	Section 519A(2)(f).
Copyright, Designs and Patents Act 1988 (c. 48)	Section 240(4)(b)(i).
Health and Medicines Act 1988 (c. 49)	In section 2(1)(a)— in sub-paragraph (i), “Part II of the National Health Service Act 1977 or”; in sub-paragraph (ii), “section 28C of the 1977 Act or”. In section 8(1)— in paragraph (a), “section 29 of the National Health Service Act 1977 or”; in paragraph (b), “section 36 of the National Health Service Act 1977 or”. In section 12(1)— “The Dental Estimates Board shall be renamed as “the Dental Practice Board” and”; in paragraph (a), “for any reference to the Dental Estimates Board there were substituted a reference to the Dental Practice Board and”; in paragraph (b), “the Dental Estimates Board or” and “the Dental Practice Board and”.

Note: The repeals in this Part of this Schedule to the following enactments extend to England and Wales only—

- (a) the National Health Service (Amendment) Act 1949 (c. 93);
- (b) the Access to Health Records Act 1990 (c. 23);
- (c) the National Health Service (Primary Care) Act 1997 (c. 46) and enactments amending that Act.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	Section 12(2) and (3)(a). In section 17(1), “29, 36”. In Schedule 2, paragraphs 4 to 6, 7(1) and (2) and 8(2) and (3).
National Health Service and Community Care Act 1990 (c. 19)	In section 4(2)(g), “the Dental Practice Board or”. Section 18(7). Sections 23 and 24. Section 60(7)(f).
Access to Health Records Act 1990 (c. 23)	In section 7— in subsection (2), the words from “(other” to “section 1(2)(a) above” subsection (3). In section 11, the definition of “general practitioner”.
Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)	In section 279(a), “28C, 29, 35”.
Health Service Commissioners Act 1993 (c. 46)	Section 2(1)(f). In section 6(5), “29, 36”.
Health Authorities Act 1995 (c. 17)	In Schedule 1, paragraphs 18 to 26.
Medical (Professional Performance) Act 1995 (c. 51)	In the Schedule, paragraph 28.
Employment Rights Act 1996 (c. 18)	In section 43K(1)(c)(i), “29, 35”. Section 218(10)(d).
National Health Service (Primary Care) Act 1997 (c. 46)	Part 1. Section 23(1). Section 24(1). Section 25(1). Section 32. Section 40(1) and (3). Schedule 1. In Schedule 2, paragraphs 6, 8 to 12, 16 to 19, 24, 25, 71 to 73, 80 and 81.
Health Act 1999 (c. 8)	Section 6(1). Section 9(2) and (3). In section 10(1)— in the section 43A inserted into the National Health Service Act 1977, in subsection (1), “general medical services, general dental services,”; in the section 43B so inserted, in subsection (6), the words from “Subject to” to “35(2) above,”. Section 11(2).

Note: The repeals in this Part of this Schedule to the following enactments extend to England and Wales only—

- (a) the National Health Service (Amendment) Act 1949 (c. 93);
- (b) the Access to Health Records Act 1990 (c. 23);
- (c) the National Health Service (Primary Care) Act 1997 (c. 46) and enactments amending that Act.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	Section 39(2) and (3). In section 61(2), the words from “, or Part 1” to “1997,”. In Schedule 3, paragraph 11(3). In Schedule 4— in paragraph 2, “section 29(4) of the 1977 Act and”; paragraphs 17 and 88.
National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)	In Schedule 1, in the entry for the National Health Service Act 1977, paragraphs (c) and (e).
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 3— paragraph 42; in paragraph 44, “general medical services, general dental services,”; paragraph 45.
Health and Social Care Act 2001 (c. 15)	Section 15. Sections 17 and 18. Section 20(2) to (4). Section 22. Section 23(2) and (3). Section 26. Section 27(5). In section 41(1)— in paragraph (a), “(provision of personal medical or dental services)”; paragraph (b) and the preceding “or”. In Schedule 5, paragraphs 5(4) to (7), 11(2) and (3) and 12(2).
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 4(1). Section 5(2), (3) and (6). In section 17(1)(g), the words from “or under” to “that Act”. In Schedule 1, paragraph 17. In Schedule 2, paragraphs 3 to 10 and 72. In Schedule 3, paragraphs 2 to 6, 10 and 15 to 17. In Schedule 8, paragraph 2.

Note: The repeals in this Part of this Schedule to the following enactments extend to England and Wales only—

- (a) the National Health Service (Amendment) Act 1949 (c. 93);
- (b) the Access to Health Records Act 1990 (c. 23);
- (c) the National Health Service (Primary Care) Act 1997 (c. 46) and enactments amending that Act.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 5

REPLACEMENT OF WELFARE FOOD SCHEMES

Commencement Information

I252 Sch. 14 Pt. 5 in force at 7.10.2005 by S.I. 2005/2278, art. 2(2)(b)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Social Security Act 1988 (c. 7)	Section 15A(3).

PART 6

LOANS BY SECRETARY OF STATE TO NHS TRUSTS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
National Health Service and Community Care Act 1990 (c. 19)	In Schedule 3, in paragraph 1(6), the words “, with the consent of the Treasury,”.

PART 7

ABOLITION OF THE PUBLIC HEALTH LABORATORY SERVICE BOARD

Commencement Information

I253 Sch. 14 Pt. 7 in force at 1.4.2005 for E.W. by S.I. 2005/457, art. 2(b)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 3, in paragraph 8(1) the words “or by the Public Health Laboratory Service Board”.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, the entry relating to the Chairman of the Public Health Laboratory Service Board.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entry relating to the Public Health Laboratory Service Board.
National Health Service Act 1977 (c. 49)	Section 5(4) and (5). In section 127(c) the words “(except the Public Health Laboratory Service Board)”. Schedule 3.
Public Health Laboratory Service Act 1979 (c. 23)	Sections 1(3) and (4) and 2.

Status: Point in time view as at 01/07/2012.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Income and Corporation Taxes Act 1988 (c. 1)	Section 519A(2)(h).
National Health Service and Community Care Act 1990 (c. 19)	Section 4(2)(h). In section 21(2), paragraph (c) and the preceding “and”. In section 60(7), paragraph (h) and the preceding “and”.
Health Service Commissioners Act 1993 (c. 46)	In section 2(1), paragraph (g) and the preceding “and”.
Employment Rights Act 1996 (c. 18)	In section 218(10), paragraph (e) and the preceding “and”.
Government of Wales Act 1998 (c. 38)	In Schedule 5, paragraph 39.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 43.
International Development Act 2002 (c. 1)	In Schedule 1 the words “Public Health Laboratory Service Board”.
Nationality, Immigration and Asylum Act 2002 (c. 41)	In section 133(4)— in paragraph (a), sub-paragraph (v) and the preceding “or”; in paragraph (b), sub-paragraph (iii) and the preceding “or”.

Status:

Point in time view as at 01/07/2012.

Changes to legislation:

Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.